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05/07/2010

PATENT
39003.814US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:
Gregory A. PICCIONELLI et al.

Group Art Unit: 3714

Examiner: B. Hadizonooz

Serial No. 10/822,213

Filed: April 9, 2004

For: STUDY AID WITH VIDEO
MOTIVATION AND METHOD OF
USE

REQUEST FOR RECONSIDERATION
UNDER 37 CFR 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated January 14, 2010, applicants request reconsideration of all pending claims in view of the following remarks.

All pending claims stand finally rejected under 35 USC §103(a) as allegedly unpatentably obvious over Rachman et al. in view of Jenkins et al., of record, and now in view of the movie "Billy Madison." The deficiencies of Rachman et al., as well as Jenkins et al., have been discussed in the previous response. The newly cited movie again does not include any disclosure that compensates for these deficiencies, as shall be established below.

Concerning claims 44, 45, 64, 65 and 72-81, the PTO's position is again understood to be that Rachman et al., and Jenkins et al., together disclose all of the steps recited in the claims except the step of viewing a model removing an article of clothing as a reward system, e.g., when a question is answered correctly. The PTO now contends that "[t]he teacher and bus driver in Billy Madison, the movie, motivate Billy by removing a portion of their clothes for motivating Billy to correctly respond to questions." Accordingly, the PTO now urges that it would have been obvious to "modify the system of Rachman/Jenkins to a human model as disclosed by Billy Madison in order to persuade the participants to enter a correct response."